

# HOUSE BILL No. 1334

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-29; IC 10-13; IC 33-37-5-26.2; IC 35-47.

**Synopsis:** State police funding. Increases the service fee for automobile license registration from twenty-five cents per vehicle to \$3, and provides that the increased funds are deposited into the state police building fund. Gives the superintendent of the state police department, with the approval of the state police board, authority to set fees for accident reports, firearms transactions, and criminal history checks by rule. Provides that the fees must cover the costs of administering the programs. Provides that the fees may exceed the amount needed to cover costs if the superintendent determines that additional money is needed for programs related to accident reports, firearms programs, and criminal history checks. Creates the state police department firearm fund and the state police department criminal history check fund, and appropriates money in the funds. Requires courts to require local authorities to collect DNA samples in certain situations. Increases the court fee for DNA processing from \$1 to \$2.

**Effective:** Upon passage.

**Messer**

January 10, 2006, read first time and referred to Committee on Public Safety and Homeland Security.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1334

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-29-1-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A public service fee of  
3 ~~twenty-five cents (\$0.25)~~ **three dollars (\$3)** is imposed. The public  
4 service fee shall be collected in addition to all registration fees  
5 collected under IC 9-18.

6       (b) Money collected under subsection (a) shall be deposited in the  
7 state police building account. Money in the account:

8           (1) does not revert to the state general fund or the motor vehicle  
9 highway account, except as provided under subsection (c); and

10          (2) shall be expended for the following:

11           (A) The construction, maintenance, leasing, and equipping of  
12 state police facilities.

13           (B) **The acquisition, maintenance, repair, and equipping of**  
14 **state police vehicles.**

15           (C) **The purchase of services, commodities, and equipment**  
16 **that the superintendent of the state police department**  
17 **considers essential for the needs of the employees of the**



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state police department in carrying out the employees' duties.

~~(B)~~ (D) Other projects provided for by law.

(c) At the end of each state fiscal year, the auditor of state shall transfer to the state general fund the balance in the state police building account that is in excess of appropriations made for the construction, maintenance, leasing, or equipping of state police facilities and other projects provided for by law.

(d) Transfers under subsection (c) shall be made until one million five hundred thousand dollars (\$1,500,000) has been transferred to the state general fund.

**(e) Notwithstanding subsection (a), the service fee is twenty-five cents (\$.25) through December 31, 2006.**

SECTION 2. IC 9-29-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties may charge a fee that is fixed by ordinance of the fiscal body in an amount not less than three dollars (\$3) for each report.

(b) The fee collected under subsection (a) shall be deposited in the following manner:

~~(1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.~~

~~(2) (1) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.~~

~~(3) (2) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.~~

**(c) The superintendent of the state police department, with the approval of the state police board, shall adopt rules under IC 4-22-2 setting the fee for accident reports provided by the state police department. The fees adopted by the superintendent of the state police department must be sufficient to cover the cost of**

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1 providing the reports and any administrative costs associated with  
2 providing the reports.

3 (d) If the superintendent of the state police department  
4 determines that an amount in addition to the amount required in  
5 subsection (c) is needed by the state police department to operate  
6 programs relating to accident reports, the fee may be set in an  
7 amount that is sufficient to cover the additional costs.

8 SECTION 3. IC 10-13-3-27.5, AS ADDED BY P.L.234-2005,  
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 UPON PASSAGE]: Sec. 27.5. (a) If:

11 (1) exigent circumstances require the emergency placement of a  
12 child; and

13 (2) the department will be unable to obtain criminal history  
14 information from the Interstate Identification Index before the  
15 emergency placement is scheduled to occur;

16 upon request of the department of child services established by  
17 IC 31-33-1.5-2, a caseworker, or a juvenile probation officer, the  
18 department may conduct a national name based criminal history record  
19 check of each individual who is currently residing in the location  
20 designated as the out-of-home placement at the time the child will  
21 reside in the location. The department shall promptly transmit a copy  
22 of the report it receives from the Interstate Identification Index to the  
23 agency or person that submitted a request under this section.

24 (b) Not later than seventy-two (72) hours after the department of  
25 child services, the caseworker, or the juvenile probation officer  
26 receives the results of the national name based criminal history record  
27 check, the department of child services, the caseworker, or the juvenile  
28 probation officer shall provide the department with a complete set of  
29 fingerprints for each individual who is currently residing in the location  
30 designated as the out-of-home placement at the time the child will be  
31 placed in the location. The department shall:

32 (1) use fingerprint identification to positively identify each  
33 individual who is currently residing in the location designated as  
34 the out-of-home placement at the time the child will reside in the  
35 location; or

36 (2) submit the fingerprints to the Federal Bureau of Investigation  
37 not later than fifteen (15) days after the date on which the national  
38 name based criminal history record check was conducted.

39 The child shall be removed from the location designated as the  
40 out-of-home placement if an individual who is currently residing in the  
41 location designated as the out-of-home placement at the time the child  
42 will reside in the location fails to provide a complete set of fingerprints

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to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

- (1) notification to the subject of the check; and
- (2) the use of the results obtained based on the check of the person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

- (1) a complete set of the individual's fingerprints; and
- (2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

- (1) department; and
- (2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. **The department superintendent, with the approval of the board,** shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection. **The fee set under this subsection must be sufficient to cover the costs of conducting the criminal history check.**

**(f) If the superintendent determines that additional funds are needed by the department to operate the criminal history check program the fee may be set in an amount that exceeds the amount required in subsection (e) that is sufficient to cover the costs of the criminal history check program. Money collected in addition to the fee required by subsection (e) shall be deposited in the state police department criminal history check fund established by section 40 of this chapter.**

**(g) The:**

- (1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or
- (2) juvenile court, for an out-of-home placement ordered by the

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juvenile court;  
shall pay the fee described in subsection (e), arrange for fingerprinting,  
and pay the costs of fingerprinting, if any.

SECTION 4. IC 10-13-3-28 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. **(a)** On request  
of an individual who has applied for employment with a noncriminal  
justice organization or individual, the Indiana central repository for  
criminal history information shall process a request for a limited  
criminal history check of the individual making the request from the  
Federal Bureau of Investigation's National Crime Information Center  
upon:

(1) the submission of fingerprints of the individual making the  
request; and

(2) the payment of a ~~fifteen dollar (\$15)~~ fee set by the  
**superintendent, with the approval of the board, in a rule  
adopted under IC 4-22-2.**

**The fee set in this subsection must be sufficient to cover the costs  
associated with the limited criminal history check.**

**(b) If the superintendent determines that additional funds are  
needed by the department to operate the criminal history check  
program, the fee may be set in an amount in excess of the amount  
required in subsection (a) that is sufficient to cover the costs of the  
criminal history check program. Money collected in addition to the  
fee required by subsection (a) shall be deposited in the state police  
department criminal history check fund established by section 40  
of this chapter.**

SECTION 5. IC 10-13-3-30 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) Except as  
provided in subsection ~~(e)~~, **(d)**, on request for release or inspection of  
a limited criminal history, law enforcement agencies may, if the agency  
has complied with the reporting requirements in section 24 of this  
chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the  
department, to be completed. The form shall be maintained for  
two (2) years and shall be available to the record subject upon  
request.

(2) Collect a ~~three dollar (\$3)~~ fee to defray the cost of processing  
a request for inspection.

(3) Collect a ~~seven dollar (\$7)~~ fee to defray the cost of processing  
a request for release. However, law enforcement agencies and the  
department may not charge the fee for requests received from the  
parent locator service of the child support bureau of the division

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of family and children.

(b) **The fees set under subsection (a) must be sufficient to cover the costs of conducting the criminal history check. If the superintendent determines that additional funds are needed by the department to operate the criminal history check program, the fee may be set in an amount that exceeds the amount required in subsection (a) that is sufficient to cover the costs of the criminal history check program. Money collected in addition to the fee required by subsection (a) shall be deposited in the state police department criminal history check fund established by section 40 of this chapter.**

~~(b)~~ (c) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

~~(c)~~ (d) The fee required under subsection (a) shall be waived if the request relates to the sex and violent offender directory under IC 5-2-6 or concerns a person required to register as a sex and violent offender under IC 5-2-12.

SECTION 6. IC 10-13-3-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) Unless otherwise prohibited by law, a criminal justice agency that maintains criminal history data, upon request and proper identification of the person about whom criminal history data is maintained, shall provide that person with a copy of the person's criminal history data for a reasonable fee **to be set by the superintendent, with the approval of the board, in a rule adopted under IC 4-22-2. The fee set in this subsection must be sufficient to cover the costs associated with the limited criminal history check. If the superintendent determines that additional funds are needed by the department to operate the criminal history check program, the fee may be set in an amount that exceeds the amount required in subsection (a) that is sufficient to cover the costs of the criminal history check program. Money collected in addition to the fee required by this subsection shall be deposited in the state police department criminal history check fund established by section 40 of this chapter.**

(b) Any person may challenge the information contained in the person's criminal history data file.

SECTION 7. IC 10-13-3-40 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 40. (a) The state police department**

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1 criminal history check fund is established to provide money to the  
 2 department for programs relating to criminal history checks. The  
 3 fund shall be administered by the department.

4 (b) The fund consists of:

- 5 (1) appropriations made by the general assembly;
- 6 (2) fees deposited under sections 27.5, 28, 30, and 31 of this
- 7 chapter;
- 8 (3) grants; and
- 9 (4) gifts.

10 (c) The expenses of administering the fund shall be paid from  
 11 money in the fund.

12 (d) The treasurer of state shall invest the money in the fund not  
 13 currently needed to meet the obligations of the fund in the same  
 14 manner as other public money may be invested. Interest that  
 15 accrues from these investments shall be deposited in the fund.

16 (e) Money in the fund at the end of a state fiscal year does not  
 17 revert to the state general fund.

18 (f) Money in the fund is continually appropriated to the  
 19 department.

20 SECTION 8. IC 10-13-6-11 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The  
 22 superintendent may issue specific guidelines relating to procedures for  
 23 DNA sample collection and shipment within Indiana for DNA  
 24 identification testing.

25 (b) The superintendent shall issue specific guidelines related to  
 26 procedures for DNA sample collection and shipment by the county  
 27 sheriff or designee of the county sheriff under section 10(b)(2) of this  
 28 chapter. The superintendent shall provide each county sheriff with the  
 29 guidelines issued under this subsection. A county sheriff shall collect  
 30 and ship DNA samples in compliance with the guidelines issued under  
 31 this subsection.

32 (c) The superintendent may delay the implementation of the  
 33 collection of DNA samples under section 10(b)(2) of this chapter in  
 34 one (1) or more counties until the earlier of the following:

- 35 (1) A date set by the superintendent.
- 36 (2) The date funding becomes available by grant through the
- 37 criminal justice institute.

38 If the superintendent delays implementation of section 10(b)(2) of this  
 39 chapter or terminates a delay under section 10(b)(2) of this chapter in  
 40 any county, the superintendent shall notify the county sheriff in writing  
 41 of the superintendent's action.

42 (d) The court shall issue an order for persons subject to DNA

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1 **sample collection to report for processing by the local authorities**  
 2 **when necessary.**

3 SECTION 9. IC 33-37-5-26.2, AS ADDED BY P.L.176-2005,  
 4 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 UPON PASSAGE]: Sec. 26.2. In each action in which a person is:

- 6 (1) convicted of an offense;
- 7 (2) required to pay a pretrial diversion fee;
- 8 (3) found to have committed an infraction; or
- 9 (4) found to have violated an ordinance;

10 the clerk shall collect a DNA sample processing fee of ~~one dollar (\$1).~~  
 11 **two dollars (\$2).**

12 SECTION 10. IC 35-47-2-4 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Licenses to  
 14 carry handguns shall be either qualified or unlimited. A qualified  
 15 license shall be issued for hunting and target practice. The  
 16 superintendent may adopt rules imposing limitations on the use and  
 17 carrying of handguns under a license when handguns are carried by a  
 18 licensee as a condition of employment. Unlimited licenses shall be  
 19 issued for the purpose of the protection of life and property.

20 (b) In addition to the application fee, the fee for a qualified license  
 21 shall be ~~five dollars (\$5); and the fee for an unlimited license shall be~~  
 22 ~~fifteen dollars (\$15); set by the superintendent, with the approval of~~  
 23 **the board, in a rule adopted under IC 4-22-2.** The superintendent  
 24 shall, ~~charge a five dollar (\$5) with the approval of the board, adopt~~  
 25 **a rule to set a fee for the issuance of a duplicate license to replace a**  
 26 **lost or damaged license. These fees** ~~The part of the fee directly~~  
 27 **related to administering the licensing program** shall be deposited by  
 28 the superintendent with the treasurer of state. ~~The fees set under this~~  
 29 **subsection must be sufficient to cover the costs of issuing the**  
 30 **licenses.**

31 (c) **If the superintendent of the state police board determines**  
 32 **that additional funds are needed by the state police department to**  
 33 **operate the firearms and the use of firearms programs, the fee may**  
 34 **be set in an amount that exceeds the amount required in subsection**  
 35 **(b) that is sufficient to cover the costs of the firearms programs.**  
 36 **Money collected in addition to the fee required by subsection (b)**  
 37 **shall be deposited in the state police department firearm fund**  
 38 **established by section 4.5 of this chapter.**

39 ~~(e)~~ (d) Licensed dealers are exempt from the payment of fees  
 40 specified in subsection (b) for a qualified license or an unlimited  
 41 license.

42 ~~(d)~~ (e) The following officers of this state or the United States who

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have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (b):

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers.
- (4) Correctional officers.

SECTION 11. IC 35-47-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) The state police department firearm fund is established to provide money to the state police department for programs relating to firearm use. The fund shall be administered by the state police department.**

**(b) The fund consists of:**

- (1) appropriations made by the general assembly;**
- (2) fees deposited under sections 4 and 15 of this chapter;**
- (3) grants; and**
- (4) gifts.**

**(c) The expenses of administering the fund shall be paid from money in the fund.**

**(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.**

**(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**(f) Money in the fund is continually appropriated to the state police department.**

SECTION 12. IC 35-47-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) A person desiring a retail handgun dealer's license shall apply to the sheriff of the county in which ~~he~~ the person resides, or if ~~he~~ the person is a resident of another state and has a regular place of business in Indiana, then to the sheriff of the county in which ~~he~~ the person has a regular place of business. The applicant shall state ~~his~~ the applicant's name, full address, occupation, sex, race, age, place of birth, date of birth, nationality, height, weight, build, color of eyes, color of hair, complexion, scars and marks, and any criminal record (minor traffic offenses excepted). The officer to whom the application is made shall verify the application and search ~~his~~ the records concerning the applicant's character and reputation.**

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(b) The officer to whom the application is made shall send to the superintendent:

- (1) the verified application;
- (2) the results of the officer's investigation; and
- (3) the officer's recommendation for approval or disapproval of the application;

in as many copies as the superintendent shall designate, and one (1) set of legible and classifiable fingerprints of the applicant. The superintendent may make whatever further investigation ~~he the~~ **superintendent** deems necessary. Whenever disapproval is recommended by the officer to whom the application was made, ~~he the~~ **officer** shall provide the superintendent and the applicant with ~~his the~~ **the officer's** complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, ~~he the officer~~ shall instruct the applicant in the proper method of taking legible and classifiable fingerprints. If it appears to the superintendent that the applicant is of good character and reputation and a proper person to be licensed, ~~he the superintendent~~ shall issue to the applicant a retail handgun dealer's license which shall be valid for a period of two (2) years from the date of issue. The fee for the license shall be ~~twenty dollars (\$20); set by the superintendent, with the approval of the board, by rule adopted under IC 4-22-2. which~~ **The fee shall be deposited with the officer to whom the application is made, who shall in turn forward it to the superintendent for deposit with the treasurer of state when the application is approved by the superintendent. In the event that the application is disapproved by the superintendent, the fee shall be returned to the applicant along with the complete reasons, in writing, for the disapproval.**

**(c) The fees set under subsection (b) must be sufficient to cover the costs of issuing the licenses. The part of the fee required to cover the costs of issuing the licenses shall be deposited with the treasurer of state.**

**(d) If the superintendent determines that additional funds are needed by the state police department for the firearms and use of firearms programs, the fee may be set in an amount that is sufficient to cover the costs of the firearms programs. Money collected in addition to the fee required by subsection (b), shall be deposited in the state police department firearm fund established by section 4.5 of this chapter.**

~~(c)~~ **(e)** No retail dealer's license shall be issued to any person who has been:

- (1) convicted of a felony; or

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1 (2) adjudicated a delinquent child for an act that would be a  
2 felony if committed by an adult, if the person applying for the  
3 retail dealer's license is less than twenty-three (23) years of age;  
4 in Indiana or any other state or country.

5 ~~(d)~~ (f) A retail dealer's license shall permit the licensee to sell  
6 handguns at retail within this state subject to the conditions specified  
7 in this chapter. The license may be suspended or revoked in accordance  
8 with applicable law, and the licensee may be subject to punishment as  
9 provided in this chapter.

10 SECTION 13. **An emergency is declared for this act.**

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